



**DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES**

**GOVERNOR'S ADVISORY COUNCIL  
TO THE  
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES**

**September 19, 2013**

The Governor's Advisory Council to the Division of Developmental Disabilities Services met on September 19, 2013, at the 1056 Woodbrook Conference Room, Dover.

**COUNCIL MEMBERS PRESENT:** Anthony Horstman, Chair  
Jamie Doane  
Thomas Rust  
Angela Sipple  
Terri Hancharick

**COUNCIL MEMBERS ABSENT:** Timothy F. Brooks, Ed.D.

**STAFF MEMBERS PRESENT:** Jane Gallivan  
Warren Ellis  
Pat Weygandt  
Lennie Warren  
Vicky Gordy - recording

**GUEST PRESENT:** N/A

**CALL TO ORDER:** The meeting was called to order at 10:05 a.m.

**NEXT MEETING:** October 15, 2013 – 1 p.m. – 3 p.m.  
1056 Woodbrook Conference Room, Dover

**APPROVAL OF MINUTES** Tony made a motion to approve the minutes,  
Jamie seconded the motion.  
Minutes approved.

**Additions to the Agenda** Tony added Shared Living to the agenda.

### **DDDS Housing Vacancies**

Pat reported currently there are 25 vacancies (3.1%), 15 in group homes (6 ARC homes) and 10 in CLA's. Placements during FY 13 includes 22 clients have chosen and received placement and 11 clients have move in dates. DDDS began to track data of the number of days that a client is approved to "shop for placement" to when choice is made. Data will be more significant in the future but currently the data range reveals 3 days to over 300. Each family has different variables; families are contacted to ask if support is needed to help locate right home.

### **DDDS FY 13 Census**

The FY 13 Census information was distributed. Due to Stockley Center census dropping to 61 at the end of FY13 the question was asked if the goal is for Stockley Center census to be zero. An option to renovate Stockley Center to provide rehabilitation services was discussed by the Committee. The DDDS client net gain for the year was 184. The Committee reported that the information on the census was difficult to interpret. Therefore, DDDS is to provide a more coherent census, providing more explanations with a comparison of FY's.

Clients with Autism are one third of DDDS census although behavior services are lacking for families. Not only is funding an issue for DDDS but resources of qualified professional are scarce. This is challenging but not uncommon for states with smaller populations. DDDS needs to work to attract students to the DD field. Delaware and other states are looking at education options for students. The University of Delaware is looking at forming a group/board that is recognized by the Behavior Analyst Certification Board.

### **Judge Rotenberg Center**

DDDS continues to have two clients at the Judge Rotenberg Center (JRC) in Massachusetts. Jane has met with Secretary Landgraf and Ann Woolfolk to create a letter citing the out of compliance issues regarding the use of aversive treatments used in both home and day programs. The letter will state that if JRC would like to continue to be an approved provider in Delaware, cited treatment practices must stop immediately. If JRC does not comply, DDDS will work with client families to provide supports. This will be an extreme challenge, but ultimately this is a family decision.

### **Preparedness of Emergency Shelters to Address Needs of DDDS Clients**

During the last Committee meeting, Mike Erixson presented the DDDS Emergency Plan presentation.

### **Newly Appointed Committee Member Introduction**

Tony Horstman announced that Terri Hancharick has been appointed to the Committee. Ms. Hancharick is from New Castle County, has six children, a Research Associate at the U of D, Center for Disabilities Studies, and is a member of the DD Council and a member of the

Governor's Advisory Council for Exceptional Citizens. Everyone welcomed Terri to the Committee!

### **Therap News**

The RFP has four additional DTI employees need to review before moving forward. The target date of completion that DDDS was given a target date (9/1/13) has past and it is difficult to pinpoint the reason for processing delay. This vigorous process is being pushed to move forward as much as possible by DDDS.

### **Volunteer Driver Program – Meetings being Held at DelDOT**

It was reported that a DelDot Transit employee "Laura" is leaving. The University of Delaware Transportation Study is completed. Vicky will send website to Council.

### **Membership**

The Council is seeking additional member nominations. The nominees are required to be affiliated with the Republican or Independent party and although not a requirement, residing in Kent County would be an asset. Jamie mentioned that Sandy Tuttle, retired CEO of Easter Seals may be an option. She will contact Ms. Tuttle.

### **Steps being taken by the Division to Attempt to Eliminate Abuse**

Providing clients with self-advocacy and assertiveness tools to prevent abusive situations is of great importance to DDDS. The DDDS Training Unit applied and was awarded the STAND grant, which will be used to develop a training program regarding acts of violence against the developmental disabled community.

DDDS has regulatory safeguards that are required to be performed by provider agencies before a direct support professional can begin employment in a group home (i.e. criminal background check, adult abuse registry check, child abuse registry check, finger printing, drug screening). Criminal offenses and/or assaultive behaviors found during a criminal background check will prevent the person from working at the group home. All employees working in a group home setting are mandated to report allegations of abuse, neglect and misappropriation of funds. Neglect has wide array of variations. The College of Direct Support has a training module surrounding reporting methods of abuse. Supervisors, case managers and Office of Quality Improvement staff make periodic unannounced visits to group homes. Turnover rate of direct support professionals is higher in residential settings than day program settings; therefore, residential settings require more scrutiny.

### **Steps being taken by the Division to Attempt to Eliminate Excess Medication**

This will be on the next Council agenda.

### **Shared Living (addition to agenda)**

Tony reported receiving anonymous feedback regarding complaints in shared living homes to include client's confinement to certain portion of household and inadequate food and clothing. Jamie voiced that she had issues regarding anonymity of receiving such feedback and was in support of positive news from shared living clients.

### **Follow-up on Items Discussed at the last GAC Meeting in July**

No follow-up was necessary.

### **Names of Owners of Group Homes**

Pat Weygandt provided a spreadsheet that was sent via e-mail attachment by Vicky Gordy on September 26, 2013.

### **Family Support Waiver – Meetings & Suggestions**

Jane is reaching out to families via different groups (People First, Families Speaking Up, PTA meetings, etc.) to seek issues/needs that are important to families. Tony attended one family meeting and praised Jane for her vision and efforts, although he questioned if implementation of a Family Support Waiver is possible.

Jane is obligated to report what issues are important to families, which she obtains at the Family Meetings. DDDS intent is to attend family meetings in all Delaware counties, including the final three family public meetings (one in each county) to be advertised well. Thus far, families have voiced their need of a diverse, easily scheduled respite program that could take place in or out of family dwelling that included trained staff to support respite services. Other support needs voiced by families include in home supports, behavioral supports, nursing consultative services, dental services and stipends based on family needs. DDDS is currently working toward getting families connected so information is shared. The Family Support Waiver may provide a role to support families connecting. The State Transition Task Force plans to develop a website for a "one stop" option to provide information to families. The GAC supports DDDS by notifying families of upcoming meetings, as evidenced by family attendance and preparedness.

DDDS, mandated by Legislature is to complete a study of DDDS providing a Family Support Waiver. The Family Support Waiver study will be submitted to Legislature, who determines funding. Many challenges including a balance of necessary supports face DDDS in creating a Family Support Waiver. Time is necessary to determine if/when the new Family Support Waiver is available.

### **Pathways to Employment**

Jane shared with the Council that DHSS is developing a new Medicaid Program - HCBS 1915(i). This program will be designed to provide employment support to individuals with disabilities starting with youth transitioning from school beginning at the age of 14, as well as adults with

IDD, autism, Asperger's, brain injuries, and physical disabilities. Mental Health will be providing the same services as part of their comprehensive reform. If person is eligible for Medicaid, they meet the level of care criteria. The threshold is lower than institutional level of care. This program will be a state Medicaid plan, which means this is an entitlement program. The concept of supporting individuals through supported employment, job coaching, career planning, financial planning, and benefits counseling, will support the long-term goal of client becoming less dependent on supports in their future and continue to be successfully employed. Configuration of package cost will need to be completed. A portion of school graduate budget may be needed to help fund this initiative.

The goal is to submit application by mid-November; CMS has 90 days to respond. Delaware is the first State to develop this type service package. Robin Cooper from NASDDDS, and contract folks from Mercer are providing Delaware with support and CMS is excited to look at this innovative process.

The DHSS Secretary continues to support the program and wants it on a fast track. This new Medicaid Program fits in line with the Governor's Employment First initiative.

### **Announcements and Informational Items**

Jane presented a news bulletin for immediate release that pertains to the Department of Labor (DOL) changes to the Fair Labor Standards Act (FLSA). A new ruling from the Dept. of Labor addresses In-Home Care Workers being held to the FLSA rules beginning January 1, 2015. FLSA pertains to minimum wage and overtime payments. Although NASDDDS was initially assured that this ruling would not affect family companion model (shared living providers), it is now unclear. DOL and DHSS will be discussing concerns. Shared living providers enter into a contract with DDDS to provide a home for DDDS client. This contract establishes payment to shared living providers, as well. DDDS concerns include if the ruling pertains to shared living providers, minimum wage rulings and overtime payments would be an obligation of DDDS. Shared living fiscal year contracts range from \$2,000 to \$10,000, determined by support needs of client.

DDDS supports the exemption of "family companion models" from the ruling. DDDS is seeking clarification and time before the ruling effective date of January 1, 2015.

This is of a great concern to DDDS as the cost would be significant and detrimental to the Shared Living Program.

Department of Labor Changes to the Fair Standards Labor Act was determined to be an ongoing item on the agenda.

### **Other Discussions**

The Committee raised the question of how client's social security earnings are used. Reportedly, most of a client's social security goes toward room and board with a minimum amount (approximately \$30.00) going toward client's personal spending. Waivered client's Medicaid

does not provide funding for housing. The Fiscal Office provides a “benefits manager” position who works directly with the Social Security Office providing DDDS representation of client or payee and may be available to speak to the Committee. Discussion surrounded differences in Social Security payments to clients. Reports included that when applying for Social Security benefits, the minimum payment is issued, unless a request to add a “room and board stipend” is made. Tony mentioned a Bill to raise asset level of a person receiving Social Security from \$2,000 to \$10,000 - \$20,000 is in Congress. This level has not changed since the 1940’s.

Tony shared positive feedback regarding DDDS doing well although working with less staff. DDDS has developed five new statewide case manager positions; hiring to take place as soon as possible.

### **Adjournment**

The meeting adjourned at 12:10 p.m.